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Application No. 10/768,095
Amendment dated March 21, 2007
Reply to Office Action of December 21, 2006

- R E M A R K S / A R G U M E N T S -

Claims 1, 3 to 5, 7 to 11, 13, 14, and 16 to 20 remain in the application.

Claims 16 and 17 have been indicated as allowable.

Claims 1 to 15, and 18 to 21 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Aston (US 3,581,062), in view of Evalds (US 3,416,060), Noba (US 3,944,774), Nesbitt (US 6,347,747) and Moyer (US 3,421,131).

Reconsideration is expected on the following grounds.

The Applicant has amended the claims. In respect of the amended claims, the Applicant suggests that, even if the alleged combinations were made, it would not result in the claimed subject matter for the following reasons.

Aston teaches setting the S.C.R. switch into a potting compound with no possibility of venting any gas from the switch to the surroundings of the thermostat housing. The S.C.R. switch casing has no vent and, even if it were provided with a vent, the gas could not be evacuated, since Aston's thermostat casing lacks any outlet passage that could connect the S.C.R. switch in fluid flow communication with the surroundings of Aston's thermostat casing.

Noba discloses an electric switch having a sealed casing 1 defining a chamber 10 in fluid flow communication with a breather hose 12. Noba's casing 1 is not received in a surrounding casing filled with a potting compound. Noba discloses nothing more than a stand-alone switch.

Noba and Aston do not teach how to prevent clogging or plugging of the switch vent in the thermostat housing. Aston and Noba also fail to teach or suggest how to vent a switch component, once housed in a thermostat casing filled with a potting compound. It is respectfully submitted that the combination of Noba and Aston would not permit venting the switch to the atmosphere surrounding the thermostat casing. The switch would, at best, be vented to the inside of the thermostat casing, which would eventually lead to the premature wear of some of the electrical components of the thermostat.

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The other secondary references cited by the Examiner, in an effort to meet the language of the claims, do not cure the above-mentioned deficiencies.

Indeed, Moyer discloses a thermostat assembly comprising a base plate 18 provided with screws 20 for securing it to a wall. The screws 20 are of standard construction, and do not define any fluid passage or vent for venting gases from switches 10 and 12.

Nesbitt discloses a thermostat comprising a cover 1 defining a plurality of holes 1A and 1B for allowing air to flow into temperature measurement chambers 2A and 2B. While the holes 1A and 1B may allow air to flow to the front face of the printed circuit board, Nesbitt does not teach nor suggest mounting an electric relay on the front face of the printed circuit board in the air pathway defined between holes 1A, 1B and chambers 4A, 4B to provide the electric relay casing with a vent that is in fluid flow communication with holes 1A and 1B. On the contrary, Nesbitt's control circuit components appear to be mounted on the backside of the board (see Fig.1). Also, filling Nesbitt's thermostat casing with a potting compound, as suggested by the Examiner, would result in the plugging of holes 1A and 1B and chambers 4A and 4B, thereby preventing air flow to the electric components.

Therefore, the combination of the above-mentioned references does not meet all limitations of the claims, as amended. Since further modifications are required to the alleged combinations to yield the subject matter of the amended claims, the alleged combinations are insufficient, on their own, to meet the requirements of 103(a) in respect of the amended claims.

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In view of the foregoing, the claims are believed patentable over the cited references, and an early action to this effect would be much appreciated.

Respectfully submitted,

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By:


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